

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF OKLAHOMA

PAGE 1

PAUL ROPOLO

Plaintiff

v.

JAMES YATES et al.,

Defendants

Case No. CIV-19-142-JHP-SPS

FILED

DEC 23 2019

PATRICK KEANEY
Clerk, U.S. District Court

By

Deputy Clerk

PLAINTIFF'S NOTIFICATION TO THIS DISTRICT COURT AND THE
DEFENDANTS THAT PURSUANT TO THIS DISTRICT COURT'S
NOVEMBER 26TH 2019 ORDER, SPECIFICALLY ITEM (3) "All pending
motions in this case are hereby stricken without prejudice..
... except as the court further orders.", THAT THE PLAINTIFF
WILL BE FILING INTO THIS DISTRICT COURT A MOTION FOR LEAVE OF
COURT TO AMEND COMPLAINT AND SUPPLEMENT COMPLAINT (WITH
ATTACHED 'PROPOSED PLEADING(S)' TO SUCH AMENDED COMPLAINT
AS AN EXHIBIT) (PURSUANT TO Fed. R. Civ. P. Rule 15(a)(2), Rule
15(c), Rule 15(d)), WITHIN THE NEXT 35 DAYS, TO THE BEST OF
THE PLAINTIFF'S ABILITY

1. On November 26th 2019, this District Court ordered the
defendants to produce a Special Report to, "... be attached
to and filed with Defendant's answer or dispositive motion",
(See Item (4)), and, "... shall be filed no later than

sixty days from this date." (November 26th 2019).

2. However, the plaintiff did not personally receive, and become aware of, such 11/26/2019 Order, until December 17th 2019 (See attached Declaration Under Penalty Of Perjury With Requested Relief).

3. In any case, however, the plaintiff, (with the assistance of prison law library clerks), has been dilligently re-investigating the total facts of the multiple events, (both before, during, and after the 2 year time span occurring before the date such CIV-19-142-JHP-SPS was filed [statute of limitations to bring forth additional claim counts]), which have a directly relevant and material bearing of being interconnected with the plaintiff's original pleadings, filed in CIV-19-142-JHP-SPS.

4. As 21 days has already passed since the defendants were served the original complaint, and, the defendants, of course, have not yet served back to the plaintiff a Special Report answer, and/or, motion to dismiss: it appears to the

plaintiff that [currently] the only viable method of civil procedure is to seek permission of the court to amend and Supplement his complaint. Fed. R. Civ. P. Rule(s) 15(a)(2), 15(d), 15(d).

5. However, as the court has already ordered on 11/26/2019, "All pending motions in this case are hereby stricken without prejudice ... except as the court further orders.", the plaintiff understands that, upon the [future] event that the plaintiff does submit to be filed in this District Court, a 'Motion For Leave Of Court To Amend And Supplement Complaint With Attached Proposed Pleading(s)', that this Court still has Full authority and discretion as to whether or not this court would [or when] allow such CIV-19-142-JHP-SPS to be amended and supplemented, with such wellpleaded Factual allegations, added to, such originating complaint pleadings.

6. The plaintiff, in advance, does proffer to this District

PLAINTIFF'S 12/18/2019 NOTIFICATION

4

Court, that it would be, ideal, for the plaintiff's complaint to be granted, to be, 'amended and supplemented', (with such relevant and material pleadings), BEFORE the defendant's issue and file such [11/26/2019 Ordered] Special Report and/or Motion To Dismiss [which would clearly be directed at the plaintiff's *originating pleadings]...

7. As the plaintiff gives Fair notice to this District Court and the defendants, that the plaintiff's [future] amended and supplemented well-pleaded Factual allegations will materially, and relevantly and foreseeably: cause the defendants to seek, (and should be granted), to FILE a different, and/or new Special Report and/or Motion To Dismiss, which would appropriately be directed at the plaintiff's, (if granted by this District Court), newly amended and supplemented pleadings.

8. In any event, the plaintiff understands, that such determinations of this court can only come about, 'when that bridge is crossed', (upon the plaintiff actually filing such [desired]

Motion For Leave Of Court To Amend And Supplement Complaint,
within the projected, 35 days).

9. Accordingly, any other relief, or amending of, the Court's
11/26/2019 60 Day Order, pursuant to this Plaintiff's
Notification, would be greatly appreciated.

10. With the assistance of prison law library clerks, the plaintiff
has [had] prepared and [had] written this Plaintiff's Notification,
(and any other future filings in this CIV-19-142-JHP-SPS case),
and I understand and agree to the submission and filing of
this instrument into this Eastern District Court.

I, PAUL ROPPOLO, declare, pursuant to 28 U.S.C. § 1746,
under penalty of perjury, that the above contents contained
in this Plaintiff's Notification are true and correct.

Name: Paul T. Roppolo
Date: December 18TH 2019

Signature: *Paul Roppolo*

CERTIFICATE OF SERVICE

This certifies that a copy of the above and foregoing instrument
was mailed to the defendant's counsel of record at the address
below: